

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re ComUnity Lending, Inc.

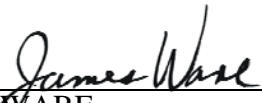
NO. C 08-00201 JW

**ORDER DENYING REQUEST TO FILE
SUR-REPLY**

Presently before the Court is Defendant's Request to File Sur-Reply in Opposition to Plaintiffs' and Counter-Defendants' Motion for Summary Judgment. (Docket Item No. 44.) Defendant requests permission pursuant to Civil Local Rule 7-3(d) to file a sur-reply to Counter-Defendants' Reply in Support of Motion for Summary Judgment, on the ground that Defendant requires an opportunity to address certain issues raised in Counter-Defendants' Reply. (See Docket Item No. 40.) The Court finds that Defendant's Request is not timely in that it was filed on October 1, 2008, merely five days before oral argument on the motion.

Accordingly, the Court DENIES Defendant's Request to File Sur-Reply.

Dated: October 3, 2008



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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8 **Dated: October 3, 2008**

Richard W. Wieking, Clerk

9 **By: /s/ JW Chambers**
10 **Elizabeth Garcia**
11 **Courtroom Deputy**